

**§447.—Transferred to Superior Court; when.**

Upon any caveator giving bond, with sufficient surety to be approved by the Probate Judge, in the sum of two hundred dollars, payable to the propounder of the will, conditioned to pay all costs which may be adjudged against such caveator in the Superior Court, by reason of his failure to prosecute his suit with effect; the Probate Judge shall transfer the cause to the Superior Court for trial; and he shall also forthwith issue a citation to all devisees, legatees or other parties in interest within the State, and cause publication to be made, for six weeks in some newspaper printed in the State, for non-residents, to appear at the term of the Superior Court, to which the proceeding is transferred, and to make themselves proper parties to the said proceeding, if they choose.

**§448.—Order to suspend proceedings.**

Where a caveat is entered and bond given, as directed in the last two sections, the Judge of Probate shall forthwith issue an order to any personal representative, having the estate in charge, to suspend all further proceedings in relation to the estate, except the preservation of the property and the collection of debts, until a decision of the issue is had.

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## CHAPTER V.

### LETTERS TESTAMENTARY.

**§449.—Who is disqualified to serve as executor.**

The Judge of Probate shall not issue letters testamentary to any person who, at the time of applying to qualify, is

1. Under the age of twenty-one years;
2. A person convicted of an infamous crime;